

REQUEST FOR COUNCIL ACTION

MEETING 345

DATE: 8/18/03

AGENDA SECTION: REPORTS AND RECOMMENDATIONS	ORIGINATING DEPT: Administration	ITEM NO. F-1
ITEM DESCRIPTION: PROPOSED HANDGUN RESOLUTION		PREPARED BY: Stevan Kvenvold

Chuck Handlon, representing several concerned City groups, approached the City Council on July 7, 2003 to request the Mayor and City Councils' approval of the attached resolution. The Council took this request under advisement.

Also attached is a proposed resolution prepared by the League of Minnesota Cities, which requests the State Legislature to amend the current gun law to provide the authority to Cities to prohibit guns on City property, if they should choose to do so.

COUNCIL ACTION REQUESTED


A motion to approve the proposed resolution or to decline to take any action at this time or to adopt the proposed LMC resolution would be in order.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

344

*City of Rochester
Mayor's Office*

Memo

To: City Council and Administration
From: Ardell F. Brede, Mayor 
Date: August 7, 2003
Subject: Minnesota Citizens' Personal Protection Act of 2003
"Conceal and Carry"

There has been much discussion, pro and con, regarding the so-called "Conceal and Carry" law. I, personally, have received calls, letters and emails in support and opposed to the legislation. To say the law is misunderstood by many is an understatement.

No doubt the law will be modified in the next legislative session. Obvious clarifications and discrepancies in the law will be addressed. In the interim I would hope we, the council, could "suggest" that guns are not welcome in City Hall and other city owned public facilities. I feel we could do this by simply placing on the entrance to the facilities the international symbol/graphic for "no": Ø over a gun.

I have no problem with individuals carrying a gun, but do not see any need to have them in public facilities. It is commonly understood that one should not shout, "FIRE!" in a crowded theater. It is not commonly understood that firearms are really not welcome (or needed) in a public auditorium or council chamber. Therefore, a "suggestion" at the entrance will convey our wishes.

Until further modification of the laws is made by our legislators I propose that we place the notice "Ø" I've recommended at the various entrances and draft the League of Minnesota Cities resolution (attached).

347

Rochester, MN City Council Handgun Resolution

INTRODUCTION

Citizens of the city of Rochester request the city council to accept the following resolution that asks the city to post signs which discourage carrying concealed handguns on city property for reasons of public safety. This request is based on recent legislation (State Laws 2003, Chapter 28, Article 2) that is expected to proliferate the carrying of concealed weapons and the belief that cities should have the right to promote public safety on their premises.

RESOLUTION

BE IT RESOLVED that the City of Rochester endorses the statement: "Handguns and Weapons are not Welcome;" and

BE IT RESOLVED that the City of Rochester will post signs on its property with either the endorsed statement or an alternative presentation of it.

RATIONALE

The following are some of the reasons for supporting the resolution:

- ↪ The city of Duluth, Olmsted County and other governmental bodies throughout the state have posted signs that promote the safety and preference of a gun free environment.
- ↪ The League of Cities has requested the legislature to allow cities to ban handguns on city property.
- ↪ The new law shouldn't have allowed concealed handguns to be carried at our city's playgrounds, parks, libraries, and recreation centers since these are family oriented facilities where children congregate.
- ↪ Our legislators continue to ban handguns in State Capitol buildings due to safety concerns.
- ↪ Minnesota law enforcement associations are unanimous in opposing the new legislation.
- ↪ Religious institutions have initiated a suit against the state based on religious freedom to promote public safety in a way that is mindful of their traditions.
- ↪ The new law allows private businesses and groups to ban handguns on their premises.
- ↪ The carrying of handguns will increase weapons access to non-permitted individuals and children in our city.
- ↪ The city of Rochester is recognized as one of the best places to live partly because the city has promoted tolerance and nonviolent conflict resolution through campaigns such as "Not in Our Town".

348

CITY OF _____
_____ County, Minnesota

RESOLUTION NO. _____

**A RESOLUTION STATING THE CITY COUNCIL'S
SUPPORT FOR AN AMENDMENT TO THE 2003 MINNESOTA PERSONAL PROTECTION
ACT, GIVING CITIES AUTHORITY TO PROHIBIT GUNS ON CITY PROPERTY**

WHEREAS, the Minnesota Legislature passed and the Governor signed into law the "Minnesota Personal Protection Act," in which Minnesota residents, subject to application and qualification, shall be issued permits to carry guns; and

WHEREAS, the Act provides that owners of private properties may post signs and regulate the ability of permit holders to carry concealed guns; and

WHEREAS, the Act makes it a crime for permit holders to carry firearms on school property; and

WHEREAS, the law has been interpreted to prohibit cities from restricting permit holders from carrying concealed guns on municipal property; and

WHEREAS, the Council is required to provide a work environment for employees free from violence and recognized safety hazards; and

WHEREAS, the Council believes that the safety of users and visitors, including children, will be enhanced if guns are not brought onto city property; and

WHEREAS, the Council can find no rational justification to distinguish between access by permit holders to school property and private property and access by permit holders to City property; and

WHEREAS, the greater presence of guns on City property may increase liability and workers compensation exposure, thereby increasing the cost of government services at a time when city finances are already severely strained; and

WHEREAS, the Council agrees in concept with the failed amendment to the House File that would have allowed cities to prohibit concealed guns on public facilities, such as city halls, parks, and recreation centers; and

WHEREAS, time is of the essence for legislators to reconsider and amend the Act for the public safety of public employees and users of public facilities,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of _____, that it supports an amendment to the Minnesota Personal Protection Act, to allow cities to regulate the ability of permit holders to carry guns on city property, by giving cities the ability to effectively ban guns on city property and the right to post signs stating, "THE CITY OF _____ BANS GUNS IN CITY HALL OR ON CITY-OWNED PROPERTIES."

Adopted _____, 2003

Attest:

, City Clerk

, Mayor



349

Phone: (651) 281-1200 (800) 925-1122
Fax: (651) 281-1299 TDD (651) 281-1290
Web Site: <http://www.lmnc.org/>

Minnesota Citizens' Personal Protection Act of 2003 "Conceal-and-Carry Law" -- What It Means For Cities

Gov. Tim Pawlenty recently signed into law a bill that reduces local authority over issuance of concealed handgun permits and is expected to significantly increase the number of permit-holders. The Minnesota Personal Protection Act, (Senate File 842, will be 2003 Minn. Sess. Law, Chap. 28), passed in the House on an 88-46 vote and in the Senate on a 37-30 vote, and was signed into law by Gov. Pawlenty on April 28. It removes all authority from police chiefs to issue conceal and carry permits, and mandates that sheriffs issue permits to all applicants except those convicted of serious crimes. The law also prohibits cities from prohibiting guns on city property, except in limited circumstances.

More than 300 organizations, including city councils, statewide police associations, churches and health and education groups, opposed the legislation, arguing that the new law would put an estimated 90,000 additional concealed weapons onto the streets. Currently, fewer than 12,000 individuals have permits to carry concealed weapons.

Proponents of the bill argued that sheriffs and police chiefs had too much discretionary authority, and that applicants should decide for themselves if they need to carry a concealed weapon. Three groups supported the legislation: the National Rifle Association, Concealed Carry Reform Now, and the Republican Party of Minnesota.

An amendment offered in the House on behalf of the League of Minnesota Cities would have allowed public facilities, such as city halls, parks, and recreation centers, to prohibit concealed weapons on the premises. The amendment failed on a vote of 48-84. No similar amendment was attempted in the Senate.

Conceal-and-carry law: What it means for cities

League staff has prepared this memorandum to help cities understand some of the most significant implications of the new law. In addition, links to related information are provided at the end of the memo. The League will continue to supplement this memorandum as additional information is gathered about how the law is being interpreted by affected groups. Please let us know if there are additional questions you would like us to address.

350

Can cities prohibit guns on city property?

No, with some limited exceptions. While the law allows private property owners, who follow a specific set of procedures, to request that guns not be brought into a “private establishment,” the law does not generally afford cities the same ability. For example, a private business may prohibit the carrying of guns on its premises if the business “prominently” posts a “conspicuous” sign at each entrance to the establishment stating that the “(NAME OF OPERATOR) BANS GUNS IN THESE PREMISES.” In addition, the business owner or their agent must personally inform “the person of the posted request, and demand compliance.” Again, cities do not have a similar ability to “post” their facilities.

The situations in which cities may limit guns on city property appear to be limited to the following circumstances:

- **Employees.** As an employer, cities “may establish policies that restrict the carry or possession of firearms by its employees while acting in the course and scope of employment.” The exception does not apply to parking areas. (This exception is further discussed below.)
- **Property used for “school purposes.”** It is a misdemeanor for an individual to carry a firearm on “school property.” “School property” is defined as including “a public or private elementary, middle, or secondary school building and its improved grounds, whether leased or owned by the school; a child care center licensed under chapter 245A during the period children are present and participating in child care programs; . . . and that portion of a building or facility under the temporary, exclusive control of a public or private school, a school district, or an association of such entities where conspicuous signs are prominently posted at each entrance that give actual notice to persons of the school related use.” Accordingly, if city property is being used for any of these defined school related purposes, guns are prohibited.
- **Private use of city property.** A private party that leases space in city buildings or facilities may prohibit firearms in the leased space by following the posting and notice requirements described above. The city may also be able to condition the private use of city facilities on an agreement to ban guns. However, as a landlord, the city may not restrict the “lawful carry or possession of firearms by tenants or their guests.”
- **Persons under the influence of alcohol.** A person is prohibited from carrying a pistol in a public place while under influence of drugs or alcohol, or where the person’s blood alcohol concentration is more than 0.04. This exception may have particular applicability to municipal liquor establishments. Consumption of one or two alcoholic beverages can often put a person’s blood alcohol level above 0.04. So, although municipal liquor stores do not have the same ability to “post” their premises as private establishments, it might be permissible for a municipal liquor store (particularly on-sale facility) to adopt a policy requiring customers to disclose whether they are carrying a gun.

As an alternative to attempting to ban guns on city property, the city may want to consider posting portions of city facilities as “authorized personnel only.” This would make it a trespass violation for an individual to go into areas of city hall that are not normally accessible to the public.

In addition, the city may be able to limit weapons on city property where the city has a reasonable basis to suspect an individual constitutes a health or safety risk. For instance if a person has made threats in the past, it may be legitimate for the city to prohibit the individual from possessing a gun on city property.

Finally, cities may want to draw a distinction between access to city property and access to city services and personnel. For instance, it may be acceptable to condition participation in city recreation programs on an agreement to disarm. If a city wants to try to argue this distinction, it should consult with its attorney in order to develop a well-reasoned and legally defensible policy to support such an action.

Can the city prohibit employees from bringing firearms to work with them? If so, can the city discipline employees for violations?

Yes, the law specifically allows an employer, public or private, to “establish policies that restrict the carry or possession of firearms by its employees while acting in the course and scope of employment.” The law also allows the city to discipline employees for violations of the policy. Note also that Minn. Stat. Sec. 626.84, subd. 2, which has been in existence for a number of years, seems to prohibit city employees (other than licensed officers) from carrying guns while on duty.

This means cities can establish a policy that prohibits employees from carrying or possessing firearms while:

- Working on city property.
- Working in any location on behalf of the city.
- Driving on city business.
- Riding as a passenger on city business.
- Performing emergency or on-call work after hours on behalf of the city.
- Attending training or conferences on behalf of the city.

(A link to a sample policy on this issue is included at the end of this memo.)

The law also states that an employer cannot prohibit the lawful carry or possession of firearms in a parking facility or parking area. For many employees, this means that they will leave any firearms in their cars during the workday if the city has a policy prohibiting possession while at work. This could raise issues of security for city parking facilities.

However, it may be difficult to enforce a policy against possessing a firearm at work if the employee routinely uses his or her car for city business. In this case, the city may have to allow an employee to “check” a firearm during the workday and retrieve it after work. The police department is likely to be in the best position to deal with the duty of checking firearms. This duty will require locking the firearms in a secure location and implementing procedures to ensure that only appropriate city staff can retrieve them. If the police department cannot perform this function, it would be a good idea to give the employee checking the firearms some basic training on how to safely handle firearms.

352

The city may also find it difficult to handle situations where an employee must respond to an emergency after-hours. In this case, since the employee would be on duty, the city can probably prohibit the employee from carrying a firearm in their private vehicle unless the vehicle is merely used to drive to a city parking lot, remains in the parking lot and is not used to respond to the call.

Can the city restrict elected officials from carrying firearms while conducting city business?

The law does not specifically address this issue. Therefore, it depends on whether elected officials would be considered "employees" of the city under this particular law. This determination could be different from city to city, depending on a number of factors.

For example, some cities have specifically taken actions to designate their elected officials as "employees" in order to offer them certain types of benefits, such as workers' compensation coverage, group health and life insurance, and coverage in pension and retirement plans. These cities are more likely to be able to make an argument that the elected officials should be treated as employees under this law.

On the other hand, many state and federal employment laws tend to exempt elected officials from coverage. For example, elected officials are not considered employees for purposes of the Fair Labor Standards Act, which governs minimum wage and overtime. They are also specifically exempt from the state law that defines public employees for purposes of collective bargaining rights.

The best practice is for the city to examine how it has treated elected officials in the past on various types of issues and remain consistent with those practices. For example, if the city has designated elected officials as employees for purposes of workers' compensation coverage and other benefits, it should probably designate them as employees for purposes of this law as well.

Can the city restrict volunteers from carrying firearms when performing duties on behalf of the city?

Probably not, but a city is not required to use volunteers who carry handguns. A true "volunteer" probably cannot be restricted from carrying firearms on the basis of being an employee of the city. However, the city may be able to adopt a policy stating that it will not use volunteers unless they sign an agreement that they will not carry a firearm while acting on behalf of the city.

In defining city volunteers, the city should take a particularly careful look at its volunteer firefighters. Many fire departments in the state compensate their volunteer firefighters in a manner that would probably be seen by the Department of Labor as making them ineligible for volunteer status under wage and hour laws. The city should attempt to be consistent in its definition of volunteer firefighters either as true volunteers or as "paid on call" city employees.

If the city determines that its volunteer firefighters are actually employees, they can be included in the city's general policy prohibiting employees from carrying firearms while on duty. A similar argument could possibly be made with respect to positions such as ambulance attendants,

first responders, police reserves, and emergency response volunteers, all of whom are categorized as employees under Minnesota's workers compensation laws. If they are true volunteers, the city may be able to require them to sign an agreement that they will not carry a firearm while acting on behalf of the city. Included with this information is a link to a Fact Sheet that describes factors to look at in determining whether an individual truly is a volunteer for purposes of the Fair Labor Standards Act.

What additional enforcement obligations does the law impose on local law enforcement officials?

Crimes under the law. The following is a list of some of the crimes under the new law:

- It is a gross misdemeanor for a person to carry a pistol in a public place without a permit.
- It is a petty misdemeanor for a person authorized to carry a gun to not have the "permit card" in immediate possession. The charge must be dismissed if the person later demonstrates in court or in the office of the arresting officer that the person was authorized to carry the pistol at the time of the alleged violation. A violation of this provision does not result in a forfeiture of the person's gun.
- It is a petty misdemeanor for a permit holder to fail to notify the issuing sheriff of a change of address or a lost or destroyed card. A violation of this provision does not result in a forfeiture of the person's gun.
- It is a misdemeanor for a person with a permit to carry or possess a firearm on school property. A violation of this provision does not result in a forfeiture of the person's gun.
- The law continues to make it a felony for a person without a permit to carry or possess a firearm "while knowingly" on school property.
- It is a petty misdemeanor to remain at a "private establishment" that has banned weapons. The private establishment must properly post the establishment as banning guns, must have personally informed the individual that the establishment bans guns, and must have asked the individual to comply. A violation of this provision does not result in a forfeiture of the person's gun. The owner of a private establishment may not ban guns in a parking facility or parking area.
- The law creates a new set of crimes known as "carrying while under the influence of alcohol or a controlled substance." The processes and procedures are very similar to those for driving while under the influence of alcohol or a controlled substance. The one notable difference is that it is a misdemeanor for a person to carry a pistol in a public place when the person's alcohol concentration is less than 0.10, but more than 0.04. A violation of the 0.04 limit does not result in a forfeiture of the person's gun.

Contracts with County Sheriff to conduct permitting activities. The law removes permit issuance responsibility from local police chiefs and places it with the county sheriffs. A sheriff may contract with a police chief to process permits, but "the sheriff remains the issuing authority and the police chief acts as the sheriff's agent." The obligations associated with taking applications, conducting background checks, and issuing the permits are significant.

354

Accordingly, the League recommends that cities carefully consider the risks and benefits before entering into such contracts. We would also recommend that the contract make it clear that the county would cover the liability for police chiefs' action. There is potential liability if the chiefs do not follow procedures such as the mandatory background checks.

Notice to police chiefs of permit applications. When an application for a permit is filed with the county sheriff, the sheriff is required to notify the chief of police of the municipality where the applicant resides. The chief of police is then authorized, but not required, to provide "any information relevant to the issuance of the permit." While the law does not impose an obligation to provide information, local law enforcement officials may want to adopt policies that articulate what sources of information they will review in responding to notification of a permit application from a county sheriff.

Responsibilities of prosecutors. When a person is charged with an offense that would, upon conviction, prohibit the person from possessing a firearm, the prosecuting attorney is required to ascertain whether the person is a permit holder. If the person is a permit holder, the prosecutor is required to notify the issuing sheriff that the person has been charged with a prohibiting offense. The prosecutor must also notify the sheriff of the final disposition of the case. In addition to the felony charges that would trigger this reporting obligation for county attorneys, local prosecutors will also have this obligation for certain offenses such as Minn. Stat. Sec. 518B. 14, violations of orders for protection; Sec. 609.2242 subd. 3, domestic assault; and Sec. 609.749, subd. 8, harassment, and stalking. There could be potential liability to the city and its prosecutor if these responsibilities are not carried out.

What authority do cities have to regulate handguns?

Not much. The law provides that "this section sets forth the complete and exclusive criteria and procedures for the issuance of permits to carry and establishes their nature and scope. No sheriff, police chief, governmental unit, government official, government employee, or other person or body acting under color of law or government authority may change, modify, or supplement these criteria or procedures, or limit the exercise of a permit to carry."

In addition, Minn. Stat. Section 471.633 states that: "The legislature preempts all authority of a home rule charter or statutory city including a city of the first class, county, town, municipal corporation, or other governmental subdivision, or any of their instrumentalities, to regulate firearms, ammunition, or their respective components to the complete exclusion of any order, ordinance or regulation by them except that: (a) a governmental subdivision may regulate the discharge of firearms; and (b) a governmental subdivision may adopt regulations identical to state law. Local regulation inconsistent with this section is void."

These two statutes severely limit a city's ability to regulate the carrying of handguns. The only possible exceptions appear to be the ability to adopt local regulations limiting the brandishing and discharge of weapons within the city and the possible ability to regulate establishments where handguns may be present. For instance, because the law makes it a crime to possess a pistol while under the influence of alcohol, the city may be able to adopt an amendment to its liquor regulations, requiring all liquor license holders to ban handguns.

7 355,

How are permit-application data classified under the MN Government Data Practices Act?

All permit-application data collected by state agencies, political subdivisions, or statewide systems are classified as private. (M.S. 13.87, subd. 2.) As a result, only the applicant and individuals within the state or local governmental entity whose work assignments reasonably require access will be able to access this data. (M.S. 13.02, subd. 12; M. Rule 1205.0400, subp. 2.)

Will law enforcement agencies be able to verify whether permits are valid?

Yes. The commissioner of public safety is required to maintain an automated database of persons authorized to carry pistols under this new law that is available 24 hours a day, seven days a week. (M.S. 624.714, subd. 15.) This database will only be available to law enforcement agencies, including prosecutors verifying the validity of permits.

Will any permit data be available to the public?

Yes. On an annual basis, beginning March 1, 2004, the commissioner of public safety must report to the Legislature specific data regarding permits issued under the new law. (M.S. 624.714, subd. 20.) Sheriffs and police chiefs are specifically permitted to release private data to the department of public safety for this purpose. The report will be available to the public at its actual cost of duplication. The report will not contain any personally identifiable data. For example, although the report will contain the number of permits applied for, issued, suspended, revoked, and denied, it will only be categorized by the age, sex, and zip code of the applicant or permit holder. (See M.S. 624.714, subd. 20 for a complete list of information required in the report.)

Does the new law increase municipal liability exposure in any way?

Yes. There are a number of ways in which municipal liability exposure may be increased as a result of the new law:

- **Immunity.** The law includes an “immunity” section, but it likely does not protect the city from all possible claims or lawsuits that may be brought as a result of the law. The immunity states that “. . . a police chief, any employee . . . of a police chief involved in the permit issuing process, is not liable for damages resulting or arising from acts with a firearm committed by a permit holder unless the person had actual knowledge at the time the permit was issued or the instruction was given that the applicant was prohibited by law from possessing a firearm.” So there is protection from claims or lawsuits where the permit holder shoots someone and the injured party tries to sue the city for the information that it gave to the county to issue the permit.

This immunity does not apply if it can be shown that the city employee had actual knowledge that the applicant was prohibited by law from possessing a firearm. Therefore, if the police knew that the applicant was dangerous or mentally ill and did not say anything to the sheriff after being notified, there may be potential liability.

354

The immunity also does not specifically apply to cities. Cities would have to argue that they are immune through vicarious immunity because of the actions of their employees.

Finally, the immunity does not apply to lawsuits not involving acts with a firearm such as a defamation lawsuit as discussed below.

- **Defamation.** Under the new law (Minn. Stat. Sec. 624.714 subd. 4 (b)), after notification by the sheriff of a person's application for a permit, the local police chief may provide relevant information on the issuance of the permit.

There is a potential for defamation claims by the applicant. Defamation is where you tell someone something in writing (libel) or orally (slander) that is proved to be false and resulted in damages to the person's reputation or in obtaining some benefit (such as a gun permit). In this situation, damages could also be argued to include physical injury if the person can show that if they had had a gun, they would not have been injured.

- **Injuries to third parties.** If a person or a city employee carrying a gun with a permit uses the gun to hurt someone on city premises, the city could be liable for those injuries. Under common law, the city could be liable if the city knew that the person or the employee was dangerous for other reasons. Carrying a gun legally with a permit would not give the city sufficient reason to act on the person's ability to be on the city premises. There must have been some other action indicating danger, such as a threat or a fight.

If the city had such knowledge, it had a duty to protect other users by kicking the dangerous person out of the building or premises at that time or for a period of time. If the city didn't do this, there could be potential liability for negligent supervision of the premises. There also is the argument that the dangerous action was foreseeable because of the past acts of the person. LMC recommends that you have a procedure in place for expelling people or employees who may be a danger to other users of the city premises. The procedure should afford some level of due process.

- **Training by city.** If the city provides training through a certified instructor to people who apply for permits and later use the firearm, is there liability for the city? The certified instructor individually would be immune from these types of claims and the city could argue vicarious immunity if the instructor was working in the course of his or her city employment. As stated before, the immunity doesn't apply if the instructor had actual knowledge that the person was not eligible for a permit at time of application.
- **Chemical testing.** Under Minn. Stat. 624.7143, there is a specific procedure established for chemical testing to determine if a person is carrying a firearm while under the influence of alcohol or drugs. Is there liability if city police do not follow this procedure? Potentially, if it resulted in wrongful revocation of a permit or wrongful conviction.

Links to Related Information:

- LMC Sample Policy Prohibiting Firearms at Work (pdf document)
- LMC Fact Sheet: Police and Fire Employees & the Fair Labor Standards Act (pdf document)

(6-12-03)

357 /

POLICY PROHIBITING FIREARMS AT WORK

The City of _____ hereby establishes a policy prohibiting all employees, except sworn employees of the Police Department, from carrying or possessing firearms while acting in the course and scope of employment for the city. This policy includes employees with valid permits to carry firearms. The possession or carrying of a firearm by employees other than sworn Police Officers is prohibited while working on city property or while working in any location on behalf of the city. This includes but is not limited to:

- Driving on city business;
- Riding as a passenger in a car or any type of mass transit on city business;
- Working at city hall or any other city-owned work site;
- Working off-site on behalf of the city;
- Performing emergency or on-call work after normal business hours and on weekends;
- Working at private residences and at businesses on behalf of the city;
- Attending training or conferences on behalf of the city;

An exception to this policy is that city employees may carry and possess firearms in city-owned parking areas if they have obtained the appropriate permit(s). Therefore, if a city employee must drive his or her personal vehicle on city business, he or she may check a firearm with the city Police Department during the work day and retrieve it after work. The Police Department will establish procedures to ensure that the firearm is locked up and is not able to be retrieved by anyone other than the owner/employee.

When responding to on-call work from home after regular work hours, an employee is prohibited from bringing a firearm in their private vehicle unless the vehicle remains in a parking lot and is not needed in order to respond to the call.

Violations of this policy are subject to disciplinary action in accordance with the city's disciplinary procedures policy.

The City reserves the right to search and inspect employee property while on City premises, while operating City machinery, equipment or vehicles for work-related purposes, or while engaged in City business off premises. The city also reserves the right to search all workplace areas on city premises including desks, lockers, and file cabinets.

The City encourages employees who are aware of policy violations to promptly report the violations to their supervisors or to _____ (City Administrator/Clerk/HR Department). No employee acting in good faith, who reports violations of this policy will be subject to retaliation or harassment based upon their report.

358

CITY VOLUNTEER AGREEMENT ON CARRYING FIREARMS

The City of _____ has established a policy prohibiting all employees, except sworn employees of the Police Department, from carrying or possessing firearms while acting in the course and scope of employment for the city. This policy includes employees with valid permits to carry firearms.

The City also requests that all volunteers sign an agreement not to carry firearms while conducting volunteer work on behalf of the city. This means that while volunteering on city property or while volunteering in any location on behalf of the city, a volunteer would not carry a firearm, including but not limited to:

- Driving on city business;
- Riding as a passenger in a car on city business;
- Volunteering at city hall or any other city-owned work site;
- Volunteering off-site on behalf of the city;
- Volunteering at private residences and at businesses on behalf of the city;
- Attending training or conferences on behalf of the city;

An exception to this policy is that city volunteers may carry and possess firearms in city-owned parking areas if they have obtained the appropriate permit(s). Therefore, if a city volunteer must drive his or her personal vehicle on city business, he or she may check a firearm with the city Police Department before volunteering and retrieve it after the volunteer work is completed.. The Police Department will establish procedures to ensure that the firearm is locked up and is not able to be retrieved by anyone other than the owner/volunteer.

Agreement:

I hereby agree to the above policy on volunteers carrying firearms while volunteering on behalf of the city.

Signature

Date